

Message Text

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ACTION DLOS-04

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 IO-11 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 EA-07 /126 W
----- 074326

R 011610Z MAR 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8311

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION USUN

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 06097

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONSULTATIONS WITH FRANCE

1. SUMMARY. FRANCE AND USSR HAVE SEPARATELY GIVEN
AMBASSADOR GALINDO POHL AMENDMENTS TO COMMITTEE 2 TEXT
REFLECTING GROUP OF 5 AGREEMENT.

2. OXMAN AND EMBOFF BROWN CALLED ON QUAI DEPUTY
LEGAL ADVISER JEANNEL AFTERNOON 27 FEBRUARY. JEANNEL
WAS UNUSUALLY DISCURSIVE, BUT EVIDENCED CONSIDERABLE
FATIGUE WITH AMOUNT OF TIME HE MUST DEVOTE TO LOS
CONFERENCE. HE MAY BE UNHAPPILY RESIGNED TO POSSIBIL-
ITY OF A SECOND SESSION THIS SUMMER, BUT CONTINUOUSLY
QUIZZED US ON WHAT WOULD BE ACCOMPLISHED.

3. COMMITTEE 2 AMENDMENTS. HEANNEL GAVE OXMAN COPY
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OF AMENDMENTS TO COMMITTEE 2 TEXT SUBMITTED BY FRANCE.

THEY COVER GROUP OF 5 AMENDMENTS, NOTABLY EXCEPT FOR ARCHIPELAGOS, BUT UNFORTUNATELY MAKE SLIGHT CHANGE IN TREATMENT OF FISHERIES IN ARTICLE 45 THAT MAY BE TACTICALLY UNWISE. JEANNEL SAID THE DUTCH INSISTED ON THE CHANGE, WHICH MOVES THE WORDS "CONSERVATION AND MANAGEMENT" FROM THE SOVEREIGN RIGHTS CLAUSE TO THE CLAUSE REFERRING TO "JURISDICTION AS PROVIDED IN THIS CONVENTION." JEANNEL THEN PERMITTED OXMAN TO READ IN HIS OFFICE ENGLISH COPY OF AMENDMENTS SOVIETS HAVE SUBMITTED. THESE ALSO COVER G-5 AMENDMENTS COMPREHENSIVELY, BUT INCLUDE NEW PROPOSED ARTICLE ON SALMON THAT SEEMS SIMILAR TO TEXT SOVIETS SHOWED US BEFORE; IT ELIMINATES IDEA OF PREVENTING ECONOMIC DISLOCATION IN DISTANT WATER STATE AND SUBSTITUTES IDEA THAT HIGH SEAS FISHING CAN ONLY BE CONDUCTED WHEN IT DOES NOT RESULT IN ECONOMIC DISLOCATION IN STATE OF ORIGIN. TO OXMAN'S SURPRISE, JEANNEL THEN SAID GALINDO POHL HAS ALSO RECEIVED COMMITTEE 2 AMENDMENTS FROM USG. REQUEST DEPARTMENT CLARIFY MATTER.

4. ARCHIPELAGOS. THERE WAS A POSSIBLE HINT IN THE WAY JEANNEL SPOKE OF ARCHIPELAGOS THAT FRANCE MAY NOT PUSH TOO HARD FOR RECOGNITION OF ARCHIPELAGO PRINCIPLE FOR ISLANDS OF CONTINENTAL STATES, BUT IT WAS INDIRECT AND MAY NOT REFLECT AN ACTUAL POLICY CHANGE. HE STRONGLY OPPOSED ELIMINATION OF 1:1 LOWER RATION FOR ARCHIPELAGOS, AND SAID FRANCE COULD NOT ACCPET UK ARCHIPELAGIC WATERS RUNNING TO WITHIN 2 MILES OF ITS COAST. AT THE SAME TIME, JEANNEL CONTINUED TO EXPRESS DOUBTS ABOUT THE ABILITY OF THE US TO SUCCEED IN LIMITING THE ARCHIPELAGO PRINCIPLE BY ARBITRARY LENGTH OF LINE AND LAND-TO-WATER RATIOS. HE REFERRED SPECIFICALLY TO MAURITIUS AND THE MALDIVES IN THIS REGARD.

5. DEEP SEABEDS. JEANNEL CRITICIZED US FOR DROPPING THE CHAMBER-VOTING SYSTEM FOR THE ASSEMBLY OF ISRA AT THE NEW YORK CONSULTATIONS. OXMAN REPLIED THAT OUR REPORTS FROM NEW YORK INDICATED SOLID LDC OPPOSITION TO

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 06097

IDEA, BUT A WILLINGNESS TO CONSIDER OTHER MEANS OF
PUTTING THE BRAKES ON THE ASSEMBLY. JEANNEL ALSO
EXPRESSED DOUBT THE 77 WOULD GO ALONG WITH A NEW MODERATE
MOOD IN NEW YORK.

6. DISPUTE SETTLEMENT. JEANNEL SHOWED NO ALTERATION
IN HARD-LINE SUPPORT FOR ARBITRATION AS THE SOLE MEANS
OF DISPUTE SETTLEMENT IN ALL COMMITTEES. HE HINTED
HOWEVER THAT ARBITRATORS MIGHT BE CHOSEN FROM PERMANENT
PANEL. MOREOVER, HE ARGUED IN FAVOR OF TECHNICAL PRO-
CEDURES WHICH COULD DEAL WITH DISPUTES THAT CAN BE
REDUCED TO A TECHNICAL ISSUE BEFORE THE ISSUES BECOME
BROADER AND MORE POLITICAL. HE WAXED ELOQUENT IN HIS
ATTACK ON THE ICJ FOR ITS NAMIBIA AND NUCLEAR TEST
DECISIONS, WHICH HE CALLED "POLITICAL." ONE POINT OF
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AGREEMENT WAS THAT WE WOULD NOT ALLOW DIFFERENCES ON
PROCEDURE TO REDUCE OUR NEED FOR STRONG COORDINATION

AND ACTIVITY ON THE QUESTION OF ENSURING DISPUTE SETTLEMENT IN THE ECONOMIC ZONE.

7. EVENSEN GROUP. OXMAN SAID HE UNDERSTOOD FRENCH CONCERNS ABOUT EVENSEN GROUP, BUT URGED THAT WE NOT ABANDON IT ENTIRELY AS THERE SEEMED TO BE NO ALTERNATIVE AT PRESENT, AND WE WERE RELUCTANT TO LEAVE COMMITTEE 3 ISSUES--PARTICULARLY SCIENTIFIC RESEARCH--EXCLUSIVELY IN THE HANDS OF THE CHAIRMAN. JEANNEL SPOKE WISTFULLY ABOUT THE POSSIBILITY OF FORMING A NEW NEGOTIATING GROUP AROUND SOMEONE LIKE ROLPH HANY OF AUSTRALIA, BUT RECOGNIZED THE PROBLEMS INVOLVED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, AGREEMENT DRAFT, FISHING RIGHTS, DISPUTE SETTLEMENT, COMMITTEE MEETINGS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS06097
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760077-0883
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197603107/aaaadqvg.tel
Line Count: 182
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2004 by ElyME>; APPROVED <19 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS CONSULTATIONS WITH FRANCE
TAGS: PLOS, FR, UR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006